

WMC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA

) Magistrate Docket No. **07 MJ 2725**

Plaintiff

v.

Carlos PINEDA SEGURA
AKA: Leon Beltran MARTINEZ, Jr.

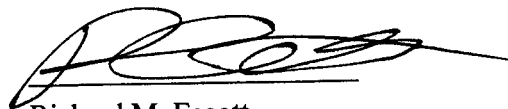
)
)
)
) COMPLAINT FOR
) VIOLATION OF:
) **TITLE 18 U.S.C. § 1544**
) **Misuse of Passport**
)
)
)

The undersigned complainant, being duly sworn, states:

On or about November 20, 2007, within the Southern District of California, defendant Carlos PINEDA SEGURA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting Official US passport number 801972844, issued to Leon Beltran MARTINEZ to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Leon Beltran MARTINEZ, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

All in violation of Title 18, United States Code, Section 1544.

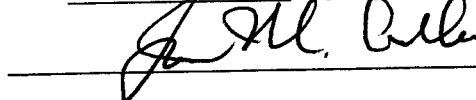
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 21st day of November, 2007.



UNITED STATES MAGISTRATE JUDGE

WMC

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Carlos PINEDA SEGURA, aka Leon Beltran MARTINEZ used the passport issued for the use of another. This Affidavit is made in support of a complaint against Carlos PINEDA SEGURA for violation of Title 18, U.S.C., Section 1544, Misuse of a passport.
3. On 11/20/2007, at approximately 0701 hours, Carlos PINEDA SEGURA presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. PINEDA SEGURA identified himself with Official US Passport number 801972844, bearing the name Leon Beltran MARTINEZ, Jr., DPOB 04/01/1963, California, USA, and a photograph that did not bear his likeness. The CBP Officer recognized the discrepancy and asked PINEDA SEGURA where he got the passport, subject subsequently admitted that the passport was not his and that he purchased the passport. PINEDA SEGURA was referred for secondary inspection.
4. On 11/20/2007, CBP Officer conducted a secondary inspection of PINEDA SEGURA. During the interview PINEDA SEGURA admitted that the US passport was not his. He admitted that his true name was Carlos PINEDA SEGURA, DPOB 09/25/1963, Veracruz, Mexico, and that he was a citizen of Mexico, not a US Citizen.
5. On 11/20/2007, at approximately 1030 hours, the DSS San Diego Resident Office was notified by the CBP at the San Ysidro POE of the case.
6. On 11/20/2007, the Affiant conducted checks of the US Department of State, US Passport database. Record checks revealed that US Passport number 801972844 had been reported stolen. Affiant telephonically contacted Leon Beltran MARTINEZ, at the work telephone number provided on his passport application. MARTINEZ confirmed that the passport was stolen in 2006 when his vehicle was burglarized.
7. On 11/20/2007, PINEDA SEGURA was searched by affiant prior to his detention. During the search a small piece of paper fell from PINEDA SEGURA's person. The paper was a listing, in Spanish, of the biographical information listed on the stolen passport in addition to an address and reason for the trip.

8. On 11/20/2007, the Affiant, assisted by CBP Office A. Loperana who served as translator, offered PINEDA SEGURA the opportunity to have his interview audio and video taped, he refused. PINEDA SEGURA was read his Miranda warning in Spanish and provided a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Carlos PINEDA SEGURA, DPOB, 09/25/1963, Tecolutla, Veracruz, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. PINEDA SEGURA said that he has never applied for a US Visa or attempted to legally enter the United States. PINEDA SEGURA admitted to having paid three men who solicited him at the Tijuana airport, \$50 for the US passport. PINEDA SEGURA said that the document vendors provided him a piece of paper that had biographical information for him to memorize that corresponded to information on the passport. The paper also contained additional personal information to help him gain entry into the United States. PINEDA SEGURA stated that he then used the passport, knowing that it was not his and a violation of US law, to apply for entry to the United States at the San Ysidro Port of Entry. PINEDA SEGURA denied knowing that the passport was issued for a US Government Official. ~~CHAVEZ BARRETO~~ ^{PINEDA SEGURA} made a sworn written statement admitting to the facts of the case.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offence on 11/20/2007 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Leon Beltran MARTINEZ, Jr., knowing that it was not issued or designed for his use, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service